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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,077	10/01/2003	Martin S. Scolaro	459900	8342
27717	7590	02/22/2006	EXAMINER	
SEYFARTH SHAW LLP 55 E. MONROE STREET SUITE 4200 CHICAGO, IL 60603-5803			TRAN, CHUC	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/677,077	Applicant(s) SCOLARO ET AL.	
	Examiner Chuc D. Tran	Art Unit 2821	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment submitted 11/28/2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

This is a response to the Applicants' amendment submitted on November 28, 2005. In virtue of this amendment, claims 1-21 remain pending in the instant application.

#### ***Drawings Objection***

1. The Replacement Sheet of drawings submitted on 11/28/2005 is objected to because it is incorrectly labeled. Fig. 1 should be changed to --FIGURE-- or deleted since there is only one figure provided in the disclosure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Malsavo (U.S. Patent No. 5,821,700).

With respect to claim 13, Malsavo discloses, in Figs. 1-4, a system and a corresponding method of protecting a lamp circuit from overheating comprising (1) pulse-width-modulating (via microcontroller [14]; see Fig. 1) a supply voltage for controlling lamp brightness (see col. 4, lines 27-29), (2) sensing (via [16]; see Fig. 1) lamp circuit temperature (see col. 5, lines 43-46), and (3) reducing the duty cycle of pulse width modulation in response to a sensed temperature exceeding a predetermined temperature (see Figs, 2A-C; col. 19, lines 33-38 and 51-52; col. 20, lines 1-5 and 12-15).

***Allowable Subject Matter***

2. Claims 1-12 and 18-21 are allowed.
3. Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest:

- ☐ A drive circuit for a lamp comprising an electronic switch connected in series with a lamp and a source of DC power and having a control input terminal, in combination with the remaining claimed limitations as claimed in independent claim 1 (claims 2-7 are allowed since they are dependent on claim 1);

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- ☐ A portable spotlight comprising a drive circuit connected to the lamp, the drive circuit including an electronic switch connected in series with a lamp and a source of DC voltage and having a control input terminal, in combination with the remaining claimed limitations as claimed in independent claim 8 (claims 9-12 are allowed since they are dependent on claim 8);
- ☐ A method of protecting a lamp circuit from overheating wherein the pulse width modulating includes connecting an electronic switch in series with the lamp and pulse width modulating a signal at a control terminal of the switch, in combination with the remaining claimed limitations as claimed in claim 14;
- ☐ A method of protecting a lamp circuit from overheating wherein the reducing includes altering a resistance in a timing circuit, in combination with the remaining claimed limitations as claimed in claim 15 (claim 16 would be allowable since it is dependent on claim 15);
- ☐ A method of protecting a lamp circuit from overheating wherein the method further comprising automatically adjusting the duty cycle of pulse width modulation in response to changes in the power supply, in combination with the remaining claimed limitations as claimed in claim 17; and
- ☐ A drive circuit for a lamp comprising an electronic switch connected to a lamp for controlling current flowing through the lamp from a DC source and having a control input terminal, in combination with the remaining claimed limitations as claimed in independent claim 18 (claims 19-21 are allowed since they are dependent on claim 18).

***Remarks and conclusion***

Applicant's arguments, see page 8 of Amendment, filed 11/28/2005, with respect to the rejection(s) of claim(s) 1-3, 6-8, 12-15, 17-18, and 20-21 and 4-5, 9-11, 16, and 19 under 35 USC 102(b) and 103(a), respectively, have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, claim 13 is found anticipated by the teachings of a newly discovered prior art to Malsavo (U.S. Patent No. 5,821,700).

Conclusively:

- Claims 1-12 and 18-21 are now allowed;
- Claim 13 is now rejected as being anticipated by prior art to Malsavo; and
- Claims 14-17 are now objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D. Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

02/19/2006

TC

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', written in a cursive style.

**THUY V. TRAN  
PRIMARY EXAMINER**